

**FILED**

**JUN 09 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JAMES A. MILLS,

Plaintiff - Appellant,

v.

CITY OF PHOENIX; et al.,

Defendants - Appellees.

No. 05-16739

D.C. No. CV-03-02444-ROS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Roslyn O. Silver, District Judge, Presiding

Submitted June 5, 2006<sup>\*\*</sup>

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

A review of the record and the response to the court's April 14, 2006 order to show cause indicates that the questions raised in this appeal are so insubstantial

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

05-16739

as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

**AFFIRMED.**